IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter Gernold   Art Unit   : 2166
Serial No. : 10/784,196   Examiner : Leon J. Harper
Filed   : February 24, 2004   Conf. No. : 9245
Title   : GENERATING DATA SUBSCRIPTIONS BASED ON APPLICATION DATA

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Appellant responds to the points raised in the Examiner's Answer dated January 28, 2009 as follows.

Claims 1-3, 5-7, 10-13, 15-17, 19, and 20 are not properly rejected under 35 U.S.C. § 103 as being unpatentable over Bracho in view of Cheng

Claims 1-3, 5-7, 10-13, 15-17, 19, and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,870,605 (Bracho) in view of U.S. Patent No. 5,884,324 (Cheng). Notwithstanding comments made in the Examiner's Answer, Appellant maintains the positions previously articulated in the Appeal Brief that each of Bracho, Cheng, and the proposed combination fail to describe or suggest at least two features of independent claims 1, 7, and 15.

First, each of Bracho, Cheng, and the proposed combination fail to describe or suggest generating, based on application data and using a first computer system, assignments of data sites to generated data subscriptions automatically without human intervention, as recited in independent claim 1.

In the Examiner's Answer, the Response to Argument section does not attempt to address this feature, despite Appellant having presented arguments with respect to this feature in the Appeal Brief. See Examiner's Answer at pages 9-11. Instead, the Examiner's Answer merely cites column 6, lines 1-10 of Bracho without further explanation or response to Appellant's arguments set forth in the Appeal Brief. See Examiner's Answer at page 6.

The cited portion of Bracho states:

> The described embodiment is centered around the sending (publication) and receiving
> (subscribing) of events. Before a publisher can publish events, the publisher must define and
> advertise the events that it will publish. In order for the events to make sense, publishers and
> subscribers need to understand each other. For this reason, the described embodiment uses a
> standard specification language to define events. In step 202 of FIG. 2, the publisher defines one
> or more events that can be published by that publisher. Bracho at col. 6, lines 1-10.

In the cited portion, Bracho describes defining events in a standard specification language that may be published by a publisher. Appellant submits that defining events in a standard specification language that may be published by a publisher is not generating, based on application data and using a first computer system, assignments of data sites to generated data subscriptions automatically without human intervention, as recited by independent claim 1.

In addition, the Response to Argument section of the Examiner's Answer focuses on the disclosure of Bracho at col. 8, lines 48-51, which refers to a filter included in a subscription specified by a subscriber. See Examiner's Answer at pages 10-11. Appellant submits that, even assuming, for the sake of argument only, that the filter is used to automatically generate, for the subscriber, a subscription to an event that matches the filter criteria, the filter is not used to generate, based on application data, assignments of data sites to generated data subscriptions automatically without human intervention. Specifically, even assuming, for the sake of argument only, that the filter automatically generates a subscription, nothing in Bracho describes assignment of the generated subscription to a data site, much less that the filter is used to generate an assignment of a data site to the generated subscription based on application data and automatically without human intervention.

Accordingly, for at least the reasons discussed above, Bracho fails to describe or suggest generating, based on application data and using a first computer system, assignments of data sites to generated data subscriptions automatically without human intervention, as recited by independent claim 1. Cheng does not remedy the failure of Bracho to describe or suggest this feature of independent claim 1. Nor does the Examiner's Answer contend that Cheng does so.

Second, each of Bracho, Cheng, and the proposed combination fail to describe or suggest generating, using a first computer system, data subscriptions for a publication to be distributed to data sites corresponding to computer systems that are distinct from the first computer system,

where each data subscription is generated automatically by the first computer system based only

on a type of data to be distributed to data sites identified by the publication, accessed application

data, and distribution criterion, as recited in independent claim 1.

      With respect to this feature, the Examiner's Answer states:

> Bracho discloses that users can specify subscription filters (See Bracho column 8 lines 48-51).
> Now the key aspect of this disclosure is that the Subscriber can specify that they only want to
> receive events with data in certain fields (See Bracho column 8 lines 48-51). This means that once
> the user has specified the distribution fields or criterion the system will automatically distribute
> data based on the filter fields or criterion. Examiner's Answer at pages 10-11.

      Although the filter may be used to distribute events of a certain type that also have certain

values in certain fields, the filter is not used to <u>automatically generate subscriptions</u>. Rather,

Bracho explicitly describes that the "filter" is part of a subscription specified by a subscriber.

Bracho at col. 8, lines 48-50 ("A subscription . . . can further specify a 'filter'"). As such,

because the filter is part of a subscription, the filter is used to distribute data in accordance with

the subscription <u>specified by the subscriber</u>, but not used to <u>generate</u> subscriptions. In this

regard, Bracho relies on the subscribers to register a subscription for an event type and indicate

the content and types of events that the subscriber wishes to receive. In contrast to Bracho's

approach, claim 1 recites generating, using a first computer system, data subscriptions for a

publication to be distributed to data sites corresponding to computer systems that are distinct

from the first computer system, where each data subscription is generated automatically by the

first computer system based only on a type of data to be distributed to data sites identified by the

publication, accessed application data, and distribution criterion. Cheng does not remedy the

failure of Bracho to describe or suggest this feature of independent claim 1. Nor does the

Examiner's Answer contend that Cheng does so.

      Thus, for at least the reasons discussed above, each of Bracho, Cheng, and the proposed

combination fail to describe or suggest (1) generating, using a first computer system, data

subscriptions for a publication to be distributed to data sites corresponding to computer systems

that are distinct from the first computer system, where each data subscription is generated

automatically by the first computer system based only on a type of data to be distributed to data

sites identified by the publication, accessed application data, and distribution criterion received

as user input, and (2) generating, based on application data and using the first computer system,

assignments of data sites to the generated data subscriptions automatically without human intervention, as recited in independent claim 1.

For at least these reasons, Appellant therefore submits that the combination of Bracho and Cheng does not support a prima facie case of obviousness. Accordingly, Appellant requests reversal of the rejection of independent claim 1 and its dependent claims.

Independent claim 15 recites a method for generating data subscriptions in a manner corresponding to that of independent claim 1. Accordingly, for at least the reasons described above with respect to independent claim 1, Appellant requests reversal of the rejection of independent claim 15 and its dependent claims.

Independent claim 7 recites, among other things, a central system having a central database storing application data of various data types for an application program, storing data subscriptions to receive portions of the application data and configured to generate assignments of data subscriptions to distributed systems such that each assignment identifies a particular data subscription and a particular distributed system that is to receive a portion of the type of application data that corresponds to the distribution criteria for the type of application data included in the data subscription. The assignments of data subscriptions are automatically generated based on the application data and the distribution criteria.

As discussed above, Bracho relies on the subscribers to register a subscription for an event type and indicate the content and types of events that the subscriber wishes to receive. In contrast, amended claim 7 recites that assignments of data subscriptions are automatically generated based on application data and distribution criteria. Furthermore, and as discussed above, Cheng does not remedy the failure of Bracho to describe or suggest this feature. Because each of Bracho, Cheng, and the proposed combination fails to describe or suggest at least this feature of claim 7, the rejection of claim 7 and its dependent claims should be reversed.

Conclusion

For these reasons, and the reasons stated in the Appeal Brief, Appellant submits that the final rejections should be reversed. The Director is hereby authorized to charge any fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper to Deposit Account No. 06-1050.

The Director also is hereby authorized to apply any additional fees or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 3, 2009   /Jeremy J. Monaldo/
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